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# HARVARD LAW REVIEW.

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THE LAW SCHOOL. — The following table shows the registration in the School on November 15 for the last twelve years:—

|                       | 1890-91. | 1891-92. | 1892-93. | 1893-94. | 1894-95. | 1895-96. |
|-----------------------|----------|----------|----------|----------|----------|----------|
| Res. Grad. . . . .    | —        | —        | —        | —        | —        | —        |
| Third year . . . . .  | 44       | 48       | 69       | 66       | 82       | 96       |
| Second year . . . . . | 73       | 112      | 119      | 122      | 135      | 138      |
| First year . . . . .  | 101      | 142      | 135      | 140      | 172      | 224      |
| Specials . . . . .    | 61       | 61       | 71       | 23       | 13       | 9        |
| Total . . . . .       | 279      | 363      | 394      | 351      | 402      | 467      |

  

|                       | 1896-97. | 1897-98. | 1898-99. | 1899-1900. | 1900-01. | 1901-02. |
|-----------------------|----------|----------|----------|------------|----------|----------|
| Res. Grad. . . . .    | —        | 1        | 1        | —          | 1        | 1        |
| Third year . . . . .  | 93       | 130      | 102      | 134        | 144      | 149      |
| Second year . . . . . | 179      | 157      | 169      | 193        | 202      | 190      |
| First year . . . . .  | 169      | 216      | 218      | 232        | 241      | 229      |
| Specials . . . . .    | 31       | 41       | 58       | 51         | 58       | 59       |
| Total . . . . .       | 472      | 545      | 548      | 610        | 646      | 628      |

For the first time in several years the figures show a slight decrease in the total registration, in the numbers of the first and second year students, and in the relative per cent. of those returning to the second and third year classes. This decrease is largely due to the stricter requirements for admission and to the rule that a student who fails to pass in two courses cannot return.

The following are the usual tables showing the sources from which twelve successive classes have been drawn, both as to previous college training and as to the geographical districts from which they have come:—

## HARVARD GRADUATES,

| Class of | From Massachusetts. | New England outside of Massachusetts. | Outside of New England. | Total. |
|----------|---------------------|---------------------------------------|-------------------------|--------|
| 1893     | 34                  | 1                                     | 19                      | 54     |
| 1894     | 30                  | 2                                     | 17                      | 49     |
| 1895     | 32                  | 4                                     | 13                      | 49     |
| 1896     | 23                  | 7                                     | 17                      | 47     |
| 1897     | 27                  | 2                                     | 15                      | 44     |
| 1898     | 42                  | 1                                     | 25                      | 68     |
| 1899     | 45                  | 6                                     | 19                      | 70     |
| 1900     | 50                  | 11                                    | 30                      | 91     |
| 1901     | 45                  | 3                                     | 28                      | 76     |
| 1902     | 59                  | 2                                     | 28                      | 89     |
| 1903     | 43                  | 4                                     | 28                      | 75     |
| 1904     | 47                  | 5                                     | 17                      | 69     |

## GRADUATES OF OTHER COLLEGES,

| Class of | From Massachusetts. | New England outside of Massachusetts. | Outside of New England. | Total. |
|----------|---------------------|---------------------------------------|-------------------------|--------|
| 1893     | 5                   | 9                                     | 21                      | 35     |
| 1894     | 7                   | 20                                    | 38                      | 65     |
| 1895     | 8                   | 14                                    | 30                      | 52     |
| 1896     | 14                  | 11                                    | 45                      | 70     |
| 1897     | 9                   | 12                                    | 56                      | 77     |
| 1898     | 19                  | 23                                    | 62                      | 104    |
| 1899     | 21                  | 12                                    | 45                      | 78     |
| 1900     | 30                  | 19                                    | 60                      | 109    |
| 1901     | 27                  | 22                                    | 59                      | 107    |
| 1902     | 22                  | 29                                    | 61                      | 112    |
| 1903     | 23                  | 26                                    | 83                      | 132    |
| 1904     | 25                  | 29                                    | 74                      | 128    |

## HOLDING NO DEGREE,

| Class of | From Massachusetts. | New England outside of Massachusetts. | Outside of New England. | Total. | Total of Class. |
|----------|---------------------|---------------------------------------|-------------------------|--------|-----------------|
| 1893     | 4                   | 1                                     | 7                       | 12     | 101             |
| 1894     | 20                  | 1                                     | 10                      | 31     | 142             |
| 1895     | 16                  | 3                                     | 14                      | 33     | 135             |
| 1896     | 10                  | 4                                     | 9                       | 23     | 140             |
| 1897     | 26                  | 7                                     | 16                      | 49     | 170             |
| 1898     | 25                  | 2                                     | 25                      | 52     | 224             |
| 1899     | 11                  | 2                                     | 8                       | 21     | 169             |
| 1900     | 11                  | 2                                     | 3                       | 16     | 216             |
| 1901     | 25                  | —                                     | 9                       | 34     | 218             |
| 1902     | 18                  | 4                                     | 9                       | 31     | 232             |
| 1903     | 21                  | 1                                     | 12                      | 34     | 240             |
| 1904     | 22                  | —                                     | 10                      | 32     | 229             |

The thirty-two men in the first year class holding no degree are Harvard seniors who in each instance however have completed the work required for the Harvard A. B. degree. Thus it may be said that all the members of the first year class are virtually college graduates. The same is true of nearly 99 per cent. of all the members of the School, since, other than Harvard seniors, seven special students are the only men in the School who have not received a degree. Of the fifty-nine special students twenty-six are here for the first time this year, and of these twenty-five are college or university graduates, five having received the LL. B. degree.

There are now in the School graduates of ninety-two colleges and universities, as compared with eighty-two last year and seventy-six the year preceding. In the present first year class forty-four colleges and universities, as compared with forty-seven last year, are represented as follows: Harvard, 69; Yale, 25; Brown, 19; Dartmouth, 11; Williams, 6; Bowdoin, Chicago, 5; Amherst, California, Tufts, 4; Northwestern, Wisconsin, 3; Centre, Cincinnati, Cornell, Georgetown University, Iowa, Minnesota, Princeton, Vermont, Washington and Jefferson, Western Reserve, 2; Bethany, Central, Colorado, University of Colorado, Earlham, Franklin and Marshall, Gates, Georgetown, Haverford, Illinois Wesleyan, Indiana, Leland Stanford, Jr., McGill, Michigan, Mt. Vernon, Ohio State, University of Pennsylvania, Pomona, St. Joseph's, Syracuse, Tulane, Vanderbilt, 1. There are at present in the School thirteen Law School graduates, of whom seven have received both academic and law degrees, representing the following twelve Law Schools: Buffalo, Centre, Cincinnati, Georgetown University, Harvard, Iowa (2), Indiana, Missouri, Northwestern, Texas, and Western Reserve.

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RECOVERY FOR DAMAGE RESULTING FROM NERVOUS SHOCK. — It is interesting to note the trend of judicial opinion on the question of allowing recovery for injuries resulting from nervous shock. There is little discussion where the defendant acts wilfully, but where his act is merely negligent, the courts have adopted widely dissimilar views. In New York, Massachusetts, and the English Privy Council the right to recover has been denied. *Mitchell v. Rochester Ry.*, 151 N. Y. 107; *Spade v. Lynn, etc.*, R. R., 172 Mass. 488; *Victorian Ry. v. Coultas*, L. R., 13 App. Cas. 222. In South Carolina, Minnesota, and Ireland strong decisions have been rendered in the plaintiff's favor. *Mack v. South, etc., R. R.*, 52 S. C. 323; *Purcell v. St. Paul, etc., Ry.*, 48 Minn. 134; *Bell v. Great, etc., Ry.*, 26 L. R. Ire. 428. In a recent English case the defendant's servant negligently drove a van through the window of the room in which the plaintiff was sitting. There was no physical contact, but the court allowed an action, as the plaintiff's fright was such as to cause a miscarriage two months later. *Dulieu v. White*, 1901, 2 K. B. 669.

The opinion of Kennedy, J., compact and forceful, goes far towards overcoming the objections upon which the contrary decisions are founded. The statement that there is no general duty of care not to frighten others, he argues, is too broad. There is a duty not to injure others. The only question is whether there is an actionable breach of such duty if one is made ill in body by negligence which does not break his ribs, but shocks his nerves. In answer to the objection that as fright is not actionable so no consequence of fright can be, he quotes Sir Frederick Pollock, that "Fear taken alone falls short of being actual damage, . . . because it can be proved and measured only by physical effects," and where measurable damage does result, it is evident that its primary cause was the act which produced the fear, not the fear itself. On the question of remoteness Kennedy disagrees with the Coultas decision. He asserts that if the injury follows the shock as its direct and natural effect, even though not immediate in point of time, it is still a proximate consequence of the shock. The grounds of public policy are lastly examined, and dismissed as insufficient to bar the plaintiff in meritorious